IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Crl.Rev.Pet.No. 1122 of 2007()

CRA.212/2001 of ADDL. SESSIONS COURT, ADHOC-II, THALASSERY
STC.649/1997 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, KANNUR

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REVN. PETITIONER: APPELLANT/ACCUSED

PRABHAKARAN, S/O.KANNAN, AGED 55 YEARS,
CHELORA AMSOM, THILANOOR DESOM, KANNUR DISTRICT.

BY ADV. SMT.K.K.CHANDRALEKHA
SRI.SUDHEESH THAROL

RESPONDENTS: COMPLAINANT

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1. EXCISE INSPECTOR, KANNUR.

2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.1122 of 2007

Dated this the 20th day of March, 2007

O R D E R

Revision petitioner is the accused, found guilty for the offence under Section 55(a) of the Abkari Act and sentenced to undergo simple imprisonment for six months and to pay a fine of Rs.25,000/- and in default, to undergo simple imprisonment for three months vide the order of the Judicial First Class Magistrate Court, Kannur. The same was confirmed in appeal by the Sessions Judge, Thalassery. It is the grievance of the petitioner that the case was made over from the Additional Sessions Court, Adhoc-II and that he had no notice of the same and hence, he could not be present before the court.

2. I find that it is mentioned in the order of the court below that neither the counsel for the appellant nor the public prosecutor was present. It is also contended by the revision petitioner that the Magistrate has no powers to imposing a fine of Rs.25,000/-. The above aspect could not be brought before the notice of the Sessions Judge also.

3. In the circumstances, the order of the court below is set aside. The court below is directed to hear the appellant and dispose of the matter. The appellant shall appear before the Additional Sessions Judge, Adhoc-II on 24.4.2007.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl